

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Orlando Vasquez,

Civ. No. 11-3243 (PAM/FLN)

Plaintiff,

v.

ORDER

Matthew Parker and John Murphy,

Defendants.

This matter is before the Court on the Report and Recommendation (“R&R”) of Magistrate Judge Franklin L. Noel dated November 18, 2011. In the R&R, Magistrate Judge Noel recommends the dismissal without prejudice of Plaintiff’s Complaint alleging civil rights violations under 42 U.S.C. § 1983. Plaintiff filed objections to the R&R.

According to statute, the Court must conduct a de novo review of any portion of the Magistrate Judge’s opinion to which specific objections are made. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); D. Minn. L.R. 72.2(b). Based on that de novo review, the Court adopts the R&R.

Plaintiff contends that his constitutional rights were violated during his arrest for bank robbery (for which he is currently awaiting trial in this District). He filed the instant Complaint against the arresting officers asking the Court to direct an “internal affairs” investigation against the officers. However, as Magistrate Judge Noel noted, the Court does not conduct or direct investigations on behalf of private parties. Thus, the Court cannot order the relief requested by Plaintiff. Plaintiff attempts to clarify the relief he seeks in this case,

but he simply restates the substance of his Complaint with the added request that his allegations be brought to an unspecified agency's disciplinary review board. Just as the Court does not implement investigations, the Court also does not direct complaints to other entities. There is simply no basis upon which the Court could grant the relief requested by Plaintiff.

Accordingly, **IT IS HEREBY ORDERED that:**

1. The R&R (Docket No. 10) is **ADOPTED**;
2. Plaintiff's Motion for Injunctive Relief (Docket No. 3) is **DENIED**;
3. The case is **DISMISSED** pursuant to 28 U.S.C. § 1915((b)(1);
4. The dismissal of this case is counted as a "strike" against Plaintiff for purposes of 28 U.S.C. § 1915(g).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: November 30, 2011

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge